

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SUNOVION PHARMACEUTICALS INC.,	:	
	:	
Plaintiff,	:	Civil Action No. 06-113-LPS
	:	(Consolidated)
v.	:	
	:	
DEY PHARMA, L.P., DEY, INC., MYLAN	:	
INC., and MYLAN PHARMACEUTICALS	:	
INC.	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION SEEKING RULE 37
SANCTIONS AND RENEWING AND SUPPLEMENTING
ITS RULE 50 MOTION FOR JUDGMENT AS A MATTER OF LAW**

Dey moves for Rule 37 sanctions and renews and supplements its Rule 50 motion for judgment as a matter of law based on the grounds stated in its Opening Brief filed contemporaneously herewith.

STATEMENT OF COMPLIANCE WITH LOCAL RULE 7.1.1

Issues presented in this motion are non-dispositive. Accordingly, counsel for Dey has conferred with counsel for Sidley Austin regarding the matters set forth in this motion. After reasonable efforts, the parties were unable to reach agreement regarding the matters set forth in this motion.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Edgar H. Haug
Steven M. Amundson
Sam V. Desai
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151
Tel: (212) 588-0800

Elizabeth A. Leff
FROMMER LAWRENCE & HAUG LLP
1667 K Street, N.W.
Washington, DC 20006
Tel: (202) 292-1530

By: /s/ Richard L. Horwitz
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendants Dey Pharma, L.P.,
Dey, Inc., Mylan Inc., and Mylan
Pharmaceuticals, Inc.*

Dated: February 5, 2012

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on February 5, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 5, 2012, the attached document was Electronically Mailed to the following person(s):

Jack B. Blumenfeld
Karen Jacobs Louden
Morris, Nichols, Arsh & Tunnell LLP
1201 North Market Street
Wilmington, DE 19899
jblumenfeld@mnat.com
klouden@mnat.com

Thomas H. Beck
Neal K. Dahiya
Jesselyn C. Pe
Nicole N. Lai
Andrew E. Lin
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019
tbeck@sidley.com
ndahiya@sidley.com
jpe@sidley.com
nlai@sidley.com
alin@sidley.com

Paul J. Zegger
Peter Choi
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005
pzegger@sidley.com
peter.choi@sidley.com

By: /s/ Richard L. Horwitz
Richard L. Horwitz
David E. Moore
POTTER ANDERSON & CORROON LLP
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com